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STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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IN RE: WEST OLD TOWN LANDFILL
LICENSE AMENDMENT APPLICATION
PUBLIC SESSIONS
* * * * *

SESSION III
MARCH 29, 2004
6:00 - 8:05

Old Town Elks Club
Old Town, Maine

1 MARCH 29, 2004

2 6:00

3 MR. BURSON: We're ready to begin. We
4 invite you back to the third session of this
5 public meeting to review the proposed application
6 for an amendment to the Old Town landfill existing
7 permit. I am Malcolm Burson. I work at the
8 Department of Environmental Protection, and I'm
9 one of the two facilitators. My colleague, Elaine
10 Walsh, is from the firm of Barton & Hinkle, hired
11 by the Department to assist. We want to now, if
12 she's ready, as usual hand the microphone to
13 Commissioner Gallagher to remind folks who have
14 not been here previously of the purpose of the
15 meeting.

16 COMMISSIONER GALLAGHER: Thank you. I'm
17 Dawn Gallagher. I'm Commissioner for DEP, and we
18 are the agency that has the authority to approve
19 or disapprove or modify this application. Just so
20 that we get a feel for how many folks -- how many
21 folks are new here that just got here? Okay, so
22 there are some. Okay, we've had two previous
23 sessions earlier today, and what we're here for is
24 the purpose to hear testimony and comments and for
25 you to ask questions of the DEP or of the

1 operator, Casella, on anything that you might have
2 regarding either the statutory, the regulatory
3 requirements of the landfill, and so what we will
4 do is I'm going to hand this mike back over to
5 Malcolm and he and Elaine will explain kind of the
6 ground rules for this session and then for those
7 folks who wish to testify, we will swear you in.
8 Thank you.

9 MR. BURSON: Thank you, Dawn. You will
10 find posted at the front of the room and on either
11 side ground rules and procedures for this. As
12 some of you have been with us all day would know
13 and others might imagine, it's a challenge to
14 think about how best to manage procedures when we
15 have people coming in and out who have not had the
16 opportunity to hear, but our basic approach here
17 is to make sure that everyone has an opportunity
18 to speak and be heard. In order to do that, our
19 meeting ground rules are that the facilitators,
20 Elaine and I, are responsible for managing the
21 process. If you wish to speak on the record or
22 off, we would ask you to complete a registration
23 form at the back table with Deborah Garrett. This
24 is just the simplest method we could come up with
25 for making sure that everyone had a chance to

1 speak and particularly that we make sure that
2 everyone who had not yet been heard had a chance
3 to speak before others spoke for a second or third
4 time. Please indicate a session at which you'd
5 like to speak. I suspect that most of you who are
6 here for the first time tonight would probably
7 like to speak tonight. What we will do is we will
8 call speakers in the order of registration for the
9 session with the exception that persons who have
10 already spoken at the last session, so who had the
11 opportunity and who have indicated an interest in
12 speaking again, go to the back of the line for
13 tonight's session until everyone who is newly
14 arrived and wishes to speak has had a chance to do
15 so. In speaking, we invite you to speak one at a
16 time. If you want to have a side conversation
17 with friends and other people you know who are
18 interested, please take it outside. This is not
19 an easy room to manage the front to back sound in,
20 so we want to make sure that those who are
21 speaking have a chance to feel that they're being
22 heard. We would ask you to be respectful of
23 others' opinions and ideas. We may disagree about
24 those opinions and ideas, but we ask you to treat
25 the speakers with respect and, thus, to avoid

1 personal attacks. We ask you to practice candor,
2 be straightforward, and also kindness to others
3 whose opinions may differ from yours. Please be
4 efficient with your language and with the time.
5 We have a two-hour session tonight. We will end
6 promptly at 8:00, and in order to accommodate all
7 those who wish to speak, we need to make sure that
8 we follow our rules and procedures. And if you
9 haven't done so already, please turn off cell
10 phones and pagers, and I have to say that having
11 now said all this for the third time, I'm
12 beginning to feel like an airline stewardess. Our
13 procedures for speaking again have been set down
14 by asking people to register in advance. Speakers
15 will have five minutes of their own time to either
16 ask questions or make statements. If what you say
17 in your own time involves a question which may be
18 answered by some of the members of our panel
19 representing the applicant and state agencies,
20 their time is separate, so up to five minutes to
21 answer the questions. So if, for example, as some
22 have had already today, several questions, we
23 basically create a ten-minute block to make sure
24 that questions get answered and that people have a
25 chance to make statements. We will be strictly

1 enforcing those time limits. Elaine or myself
2 will provide you with a one-minute warning when
3 your time is about to be up and we're sorry that
4 we can't sort of give people unlimited time, but I
5 think we seem to be managing it reasonably well
6 thus far in terms of giving people a chance to
7 speak so I think we're going to stick with that at
8 least for tonight. The Department is committed to
9 reviewing how this day's procedure has gone
10 tonight and when we come back tomorrow morning, we
11 will revisit that and try to make the best
12 determination we can as to how to allocate time,
13 but, as I said, our basic rule for tonight is
14 everyone who has not yet had a chance to speak and
15 is registered gets to go first in order, and then
16 anyone who spoke at the last session who wishes to
17 speak a second time, we should, I believe, have
18 your name and registration. I know a couple of
19 you have indicated that and we'll move with those,
20 and if there's time left, we'll take any
21 additional comments from people who haven't yet
22 signed up to speak. We've -- I've been impressed
23 so far today with the decorum that people have
24 exercised and we really haven't had too many
25 problems, but should anything happen which would

1 be untoward or which might interrupt the way in
2 which we speak to each other, the Commissioner has
3 the right to cease the proceedings and stop
4 receiving comments in the event of any disruption
5 or ground rule violations. So with that, the
6 goodwill that most of you have shown -- all of you
7 have shown, I think we're ready to go. Dawn,
8 you'd like to swear in and I guess we're limited
9 to those who have not yet been sworn in.

10 COMMISSIONER GALLAGHER: I do want to say
11 for new folks that have come in, folks on the
12 panel which represents Casella and the State
13 Planning Office and folks on DEP have all been
14 sworn in, as have the previous speakers. So for
15 those of you who are newly here, if you wish to
16 testify tonight and you wish to have it under
17 oath, if you would stand and I will administer the
18 oath. If you would raise your right-hand please.
19 I'm going to ask you to state your name. I, state
20 your name, solemnly swear to tell the truth, the
21 whole truth and nothing but the truth.

22 (Whereupon, witnesses are duly sworn.)
23

24 COMMISSIONER GALLAGHER: Thank you.

25 MS. WALSH: Okay. So this is where we

1 start with the first person who signed up for this
2 evening and I think it's -- is it Chains Gibbs or
3 Charles Gibbs?

4 MR. BURSON: Charles I think.

5 MS. WALSH: Charles, sorry, and if you
6 could just state your name and where you're from,
7 please.

8 MR. GIBBS: My name is Charles Gibbs and I
9 am proud to say that I am a member of a group
10 called We The People, and please don't be
11 embarrassed about not getting my name. My
12 spelling -- my writing probably isn't as good as
13 it should be, and I would hope that before I get
14 done and this is all over with that people can
15 actually forget me. Having said that, I most
16 likely will be the only member of the group that
17 will say you people are pathetically brilliant.
18 What is at stake here are the jobs at
19 Georgia-Pacific. The hard-working men and women
20 at the mill, the citizens of Old Town and your
21 sister community Alton, the way I see it, your
22 efforts have been most successful and how you are
23 all involved in a fight for survival, and not once
24 did any of you take into consideration the impact
25 that this would mean to all of our citizens. I

1 moved to this area from Bangor a little over 20
2 years ago, and I have stayed here because of the
3 class of people in the Old Town area. I have
4 never been around the world, so to speak, but I
5 challenge anyone here today to find a better
6 community of people. It's been said in the news
7 that -- I've got to take these glasses off -- it's
8 been said in the news and around this community
9 that some of the people in our group are from out
10 of town. Well, here's a thought all of us should
11 consider. If you're not a Penobscot, you are from
12 out of town. The air was pure, the water clean
13 and the environment very healthy when the
14 Penobscots were in charge of Mother Earth. Now,
15 if this evil plan goes forward, we will be dealing
16 Mother Earth her final death blow. There is still
17 a chance to stop this madness. People are saying
18 this has gone on long enough, and they would be
19 correct. If three months ago you had given the
20 various people a fair hearing on this, it indeed
21 would be over, and I could possibly go back to my
22 otherwise boring, happy lifestyle. The people
23 that are from out of state, in my opinion, are
24 modern-day carpetbaggers and can go back to
25 Vermont. To reduce what is being brought forward

1 here today in the form of testimony through
2 nothing more than lip service is yet another crime
3 the good folks of this region do not deserve.
4 Speaking only for myself, I would like to say that
5 I could never go back to sleep, so to speak. I'll
6 be watching all of you very closely, the
7 environment and the citizens certainly can't
8 depend on those delegated with this task to do
9 their job, and for that I apologize to no one. I
10 think that it's been very unfair to the people
11 that work at Georgia-Pacific who I have friends
12 there, I have worked in this community and been a
13 part of this community and to take and have
14 citizens battle back and forth in an effort to
15 save their jobs so they can pay their mortgages,
16 send their kids to college, pay for their cars, I
17 think is reprehensible that that has been placed
18 on this community. There are other ways that
19 should have been looked into that weren't. A
20 consortium of the 160 towns from the -- what is
21 it? MRS, is that what I'm talking about?

22 UNIDENTIFIED PERSON: MRC.

23 MR. GIBBS: MRC, I'm sorry, three months
24 ago you wouldn't have heard from me because I was
25 minding my own business. I was drinking beer,

1 barbecuing and nobody even knew who I was except
2 my friends, and now I'm here, and I resent the
3 fact that I have to be here. I resent the fact
4 that I have to take and look at the people from
5 Georgia-Pacific and have them say you're trying to
6 take my job because of your opposition, and I'd
7 also like to say that I'm not a Nimby. I'm a
8 Nymphy. You're putting that in my front yard, and
9 I resent it. I resent the fact that the process
10 could have been dealt with three months ago. We
11 could have done it fairly, and it would have been
12 done legally, and it would have been done right;
13 and if it had been done that way, I would not be
14 speaking here today in opposition with all of my
15 friends, and I don't mean just the people in We
16 The People but I mean the citizens of Old Town
17 fighting one another and a verbal battle to try to
18 do what's fair for the environment. Any of you
19 folks have any questions of me?

20 COMMISSIONER GALLAGHER: I do. You had
21 mentioned that you had some suggestions or you
22 would have had some suggestions. I guess what I'd
23 like to hear from you is other than being
24 disappointed with the process, if you were to ask
25 us to question one or two things about this, what

1 would be the most important thing to question?

2 MR. GIBBS: The most important thing I
3 would question is -- two things actually. The
4 most important thing I'd question is the placement
5 of this landfill. In my heart, I honestly do not
6 believe that this is the proper place for this
7 landfill. I believe there are already problems
8 there that exist. You can deny it up and down if
9 you want to on a technical basis, which is what
10 this is all about. You know, you've got the
11 high-powered lawyers from Pierce, Atwood and
12 you've got the DEP and you've got Dick Behr.
13 You've got some very smart people that really
14 can't give any definitive answers as to exactly
15 what's happened up in Old Town. I have heard
16 nothing that's definitive either on our side or
17 your side. So everyone is still questioning
18 this. They say, well, what the hell are you
19 complaining about? Well, what I'm complaining
20 about is I don't think it's safe to have that dump
21 there. We do need a state landfill somewhere.
22 We've got to put our trash somewhere. I mean, Don
23 Meagher is correct. If you put your trash out at
24 the end of the road, it's got to go somewhere.
25 The fact is, is it going to go on the backs of all

1 of the people in Maine that are going to have to
2 pay for this cleanup when FAME has to get involved
3 in it at the end of the 30-year period, and the
4 taxpayers are going to have to pay for that. If
5 it had been done as a consortium with all the 160
6 towns getting together, they could still have
7 helped out the people at Georgia-Pacific by
8 helping them with either biomass or whatever else
9 they're going to take and put in in Old Town with
10 money, and if that had been done and we found a
11 proper place, whether it's Carpenter Ridge that
12 people keep talking about, and I'm not an expert.
13 Like I said, three months you didn't even hear
14 from me. Somebody could have made sure that we
15 had a good, safe place and not just the
16 convenience that it's a dump, and then we have all
17 the technical data that says, well, it's this,
18 it's that or something else. Well, you know,
19 that's not the way life goes. This is going to be
20 with us forever. This isn't going to go away as
21 soon as you close that dump down. All of the
22 problems that are going to occur are going to
23 still be there forever. We could have found a
24 better place. We could have done it better, and I
25 don't believe, as Tom Sawyer would say, that you

1 have to be a rocket scientist in order to take and
2 put trash in a place. I really honestly don't.
3 The reason why they put these laws in the state
4 was to make sure that some corporate person didn't
5 come in and completely denigrate the land. Am I
6 correct?

7 COMMISSIONER GALLAGHER: Okay.

8 MR. GIBBS: Okay. What's going on to me
9 right now is no different.

10 COMMISSIONER GALLAGHER: Fair enough.

11 Thank you.

12 MR. GIBBS: Thank you.

13 MS. WALSH: The next person is Elmer
14 Lommler, and, Elmer, can you state your name and
15 where you're from, please?

16 MR. LOMMLER: My name is Elmer Lommler.
17 I'm from Old Town and I'm a physician, and I have
18 a number of issues and questions to raise. Number
19 one, the gentleman from Pierce, Atwood I think may
20 not be caught up with some of the latest
21 information with regards to health issues and
22 landfills. There have been studies done by the
23 New York State Health Department as well as
24 studies that are in a number of journals including
25 Epidemiology, Archives of Environmental Health,

1 American Journal of Epidemiology, Archives of
2 Environmental Health, to name a few, that have
3 shown in some areas a fourfold increase in bladder
4 cancer and/or leukemia, others have again
5 continued to show increases in bladder cancers and
6 leukemias. For those who aren't aware of it,
7 bladder cancer is basically a cancer that involves
8 the inside of the bladder. It can be a chronic
9 disease. It's usually from exposures frequently
10 to organic compounds of which are certainly found
11 in landfills that are either nonhazardous,
12 hazardous or toxic. There's also been studies
13 that have shown around landfills that produce
14 landfill gas an increased risk of bladder cancer,
15 kidney, liver and brain. Women living near
16 landfills increased incidents of seven different
17 types of cancer, including lung cancer, bladder
18 and leukemia. The studies cite some of these
19 landfills to be toxic, some to be hazardous but
20 also some are nonhazardous, and there are a number
21 of individuals in the field who say the leachate
22 from hazardous versus nonhazardous landfills is
23 really not much different.

24 My second comment was when we talked about
25 the generators testing their own waste, does the

1 generator decide when he tests his waste or does
2 the DEP say we're going to walk in today and give
3 me your waste today, or can they do like athletes
4 who do what they want until they have a test and
5 then make sure they have a clean test?

6 The third thing was some information that we
7 were told -- I think a number of us talked to Dick
8 Behr at the last public informational meeting --
9 that the possibility this landfill was leaking
10 could not totally be ruled out. There were some
11 explanations given; however, they did find
12 contents of leachate in more than one test well.
13 Their explanations were, well, it could be from a
14 spill. We know that something got into the
15 detention pond. We know that ice running off the
16 landfill had leachate contents in it. Today we
17 heard Mr. Behr say that, nope, he's definitely
18 certain that there is no leak in the landfill, and
19 I wonder what changed his mind since we also hear
20 Maher and Sevee saying that there's been no leak
21 in the landfill and they're quite comfortable with
22 that, and Don Meagher that there's no leak in the
23 landfill.

24 The third thing is there's a fault that's
25 about six miles from the landfill. My question

1 would be, when was our last earthquake? My
2 question would be, since shear forces are more of
3 a problem than weight from above, as has been
4 pointed out today, what size of an earthquake
5 would it take to cause a defect in that liner?
6 We've already had some, I believe, in the 5.5
7 range.

8 My next question would be as far as
9 accidents. Most of the truck routes that are
10 going to be taken would probably go through the
11 downtown Old Town district. If an accident were
12 to happen, how prepared is the town and the
13 surrounding community with their haz-mat team to
14 come in and do a clean up?

15 MS. WALSH: Excuse me, Elmer, we have one
16 minute.

17 MR. LOMMLER: Okay. Next, we were told
18 that the clay underliner is of benefit to us as
19 far as if the landfill were to develop a leak as
20 well as the impermeability to the composite clay.
21 We were then told that we would be able to pick up
22 a leak in the underliner which is under both of
23 these -- or in the drain tubes which are under
24 both of these layers within a month. How
25 impermeable is that, and I don't see how they fit

1 together. At our first conference, we were told
2 that there were only 40 to 50 more acres that were
3 acceptable for a landfill. Now we're told that an
4 expansion may be 102 acres besides the 68-acre
5 footprint. That seems to be contradictory and I
6 would like to have an answer.

7 As far as the traffic, how much can you put
8 in one of the trucks that run over 80,000 pounds,
9 and I believe from the traffic report 85 percent
10 of the increased traffic is going to come from
11 trucks over 85,000 pounds which will be on the
12 rural roads instead of the interstate.

13 MS. WALSH: Elmer, you need to finish up.

14 MR. LOMMLER: If that's true, please let me
15 know. That's it.

16 MS. WALSH: Responses?

17 MR. BEHR: I'd be happy to start with the
18 groundwater component. My name is Dick Behr. I'm
19 the project geologist, and I'm the person that
20 reviewed all the water quality for the State of
21 Maine back in late September, and in the course of
22 that review, I identified three wells, three
23 monitoring wells, that showed some subtle signs of
24 groundwater contamination or impact from
25 something, and as a consequence of those trends

1 and changes in concentrations that I identified,
2 Casella hired a consulting company to install
3 additional monitoring wells so we could try to
4 determine if those increases and changes were a
5 consequence of the landfill liner or some other
6 aspect of this landfill operation, and an
7 important part of that investigation involved the
8 installation of five wells between the landfill
9 liner and the leachate lagoon, and those wells, as
10 I said earlier, when they were tested, they
11 indicated that the landfill liner was not
12 contributing to the problem that I had observed
13 earlier. What I didn't say earlier and I will now
14 is that one well installed near the leachate pump
15 did show impact from leachate. It's quite clear.
16 The underdrain for the leachate pond was also
17 sampled, and that indicated that it had also been
18 compromised by leachate. The source of those
19 changes in water chemistry in my estimation based
20 on the fact that the landfill underdrain is very
21 clean, those five new wells looked very good. At
22 least two of them will be included in a long-term
23 monitoring program. I don't think it's the
24 landfill. I think it has to do with the leachate
25 lagoon liner perhaps, perhaps there's piping

1 associated with that leachate lagoon that's
2 leaked. I also have reason to believe that
3 untreated leachate has probably made its way into
4 two of the detention ponds, and those detention
5 ponds may be able to contribute contaminants to
6 the leachate pond underdrain. So I'm not trying
7 to tell the people that are here tonight that
8 there isn't some sign of impact to groundwater
9 quality downgradient of this landfill, but based
10 on the analysis that's been done, the
11 investigation completed that I was involved with,
12 it's not a result of the liner leaking. As I
13 said, it's probably something to do with the
14 leachate pond collection system, the liner or the
15 handling of leachate in the path.

16 MR. LOMMLER: And that's your certain
17 opinion?

18 MR. BEHR: That's my professional opinion.

19 MR. LOMMLER: I just wondered what changed
20 over the last three weeks.

21 MR. BEHR: They turned me off.

22 MS. WALSH: We have to change the
23 batteries.

24 (OFF RECORD)

25 MR. BEHR: You asked what changed my mind?

1 MR. LOMMLER: Yes.

2 MR. BEHR: The primary thing that's changed
3 my mind is the additional investigation. Before
4 there were -- there's one well in particular,
5 MW-204, that showed signs of leachate impact.
6 There was no well between that monitoring well and
7 the landfill liner. So when Casella and its
8 consultants are explaining to the Department that
9 it's probably -- the water quality changes we see
10 at MW-204 are a result of leachate handling or
11 maybe something with the leachate pond or
12 incidental spills, I didn't have information to
13 convince me of that without installing monitoring
14 wells upgradient, and that's what they've done. I
15 explained this as best I could during the last
16 public informational meeting that the results from
17 those five monitoring wells is very convincing
18 information, but it's important, too, for me to
19 let you know that we're not dismissing the water
20 quality impacts that we've observed. As I
21 understand, there will be a work plan put together
22 that will address the Department's concerns as far
23 as the water quality in the vicinity of that J
24 pond. Does that answer your question?

25 MR. LOMMLER: I believe so except for the

1 ice runoff.

2 MR. BEHR: That has to do with current
3 landfill management practices that do need to be
4 improved.

5 MS. WALSH: Okay. In the interest of time,
6 we want to answer your questions. Was there
7 anyone else from the DEP that wanted to respond?
8 Okay. So can we -- would five minutes again be
9 adequate to respond to these questions?

10 MR. DOYLE: Yes. Mr. Lommler, Tom Doyle
11 again. Some of your questions are really comments
12 that really don't warrant a response, but we will
13 respond to some of them that do. The first is you
14 mentioned studies that I haven't seen that you
15 claim show increases in bladder cancer, leukemia
16 around hazardous waste landfills or other
17 landfills. I can't comment on them because I
18 haven't seen them, but what I do know is that in
19 1989, the state passed laws with respect to solid
20 waste to protect human health and the
21 environment. In 1989 the Board of Environmental
22 Protection with input from the staff of the DEP
23 adopted regulations that were about 250 pages in
24 length to specify how landfills should be sited,
25 how they should be designed, all for the purpose

1 of protecting the environment and human health,
2 and in 1998 they revised them and now they're
3 about 300 pages in length, and, again, they are --
4 they govern the siting of landfills, the design of
5 landfills, the operation of landfills such that
6 one that is sited in accordance with those
7 regulations will be protective of human health and
8 the environment, and those are the standards that
9 the West Old Town landfill was sited under in
10 1992/93 when it was licensed by James River and
11 those are -- the enhanced standards are the ones
12 that we're following today for the amendment
13 application. So I think we're on firm ground
14 saying that it's going to be protective of human
15 health and the environment.

16 MR. LOMMLER: These studies are '84 to '98?

17 MR. DOYLE: The next question dealt with
18 faults, earthquakes, shear forces. John Sevee,
19 could you respond to this one? I believe it
20 related to Mr. Lommler's claim that there's a
21 fault within six miles of --

22 MR. LOMMLER: Dr. Lommler, please.

23 MR. DOYLE: Dr. Lommler, sorry.

24 MR. SEVEE: John Sevee again. The landfill
25 has been designed to withstand earthquake loading

1 that is from -- whether it's that fault or any
2 other faults, and so the stability analyses
3 indicate that under a typical earthquake that you
4 would have in this area and the greatest one that
5 I'm aware of is around 6, magnitude 6. The
6 landfill would withstand that without falling
7 down.

8 MR. BURSON: While we're waiting for Mr.
9 Doyle to get back, Dr. Lommler, if you have copies
10 of the studies you've cited, would you provide
11 those to the Department?

12 MR. LOMMLER: Yes, I'll be happy to do that
13 and give you a list of the articles that I took
14 those from.

15 MR. BURSON: Thank you.

16 MR. DOYLE: Another one of your questions
17 related to how prepared the city of Old Town is
18 for accidents from waste trucks. First of all,
19 Don Meagher tells me there's no history at all of
20 accidents from Casella waste trucks spilling waste
21 or turning over and causing a problem. So that's
22 one response. As to how prepared the city of Old
23 Town is, we really can't respond to that. You had
24 a question with respect to confusion over 40 acres
25 versus 102 acres, and I'm going to let Pete Maher

1 respond to that.

2 MR. MAHER: I'm not sure exactly what your
3 question was, but it sounded like you were
4 confused that somewhere you may have read that
5 there were plans for a 40-acre expansion and other
6 places there was --

7 MR. LOMMLER: No, at the first
8 informational meeting, people were concerned about
9 how big this landfill could get. The plot was 780
10 acres, and we were told at that meeting that
11 there's only 40 to 50 acres that's expandable for
12 a landfill, that's suitable for a landfill.

13 MR. MAHER: Well, at this point in time,
14 it's virtually impossible to say exactly how many
15 acres there are available for any future expansion
16 because there has been no real definitive or
17 detailed investigation beyond the actual, you
18 know, 68-acre footprint. What we do know about
19 this site, about the 780 acres, is that there's
20 quite a few areas of wetlands, streams and things
21 that would preclude any type of an expansion. The
22 only area that appears to be suitable is directly
23 north of the existing footprint, and we don't know
24 how extensive an area could possibly be used to
25 site a landfill at this point in time.

1 MR. DOYLE: And let me just add on the
2 issue of a lateral expansion, something I didn't
3 mention this afternoon, any lateral expansion
4 would provide an opportunity for a public hearing
5 in the future in the city in which it's located,
6 which would be the city of Old Town. Finally, you
7 had a question with respect to how much -- I
8 believe you were wondering how much waste could be
9 put in an 80,000 pound truck, was that the
10 question?

11 MR. LOMMLER: No, it was of the trucks that
12 they're going to be using, the 85,000 or the
13 80,000 plus trucks that are going to be going over
14 the back road of which I think the DOT said that
15 85 percent of those trucks the increase is going
16 to be on the back roads, 100,000, is that the
17 limit you can put in those trucks or could you put
18 125,000 pounds -- or 125,000 pounds or 150,000
19 pounds?

20 MR. DOYLE: I'll let Bill Eaton answer
21 that.

22 MR. LOMMLER: What's the limit on that?

23 MR. EATON: Bill Eaton speaking. The limit
24 on the interstate highway system is 80,000 pounds.
25 That's the maximum. On Maine highways you're

1 allowed to run 100,000 pounds providing you have
2 sufficient number of axles and enough tire tread
3 on the ground. That is the limitation.

4 MR. LOMMLER: Okay, and was I correct in
5 that 85 percent of the increased truck traffic
6 will be going over the back roads? It's going to
7 be in trucks that are going to be 80 to 100,000
8 pounds?

9 MR. EATON: Most of the trucks that will be
10 diverted to that landfill are the larger trucks,
11 yes.

12 MR. LOMMLER: Okay. Thank you.

13 MR. BURSON: Okay, I think we've concluded,
14 Dr. Lommler.

15 MR. LOMMLER: I appreciate your patience.

16 MR. BURSON: Thank you. The next speaker
17 who has asked to speak is Jennifer Johnstone. Is
18 she here?

19 MS. JOHNSTONE: My name is Jennifer
20 Johnstone. I live in Hudson, Maine, and I work at
21 the Georgia-Pacific mill. All the information
22 I've seen and heard so far says there won't be any
23 increased odors from this landfill site, but what
24 if there are, what would happen then? And I was
25 looking for an answer to that question, and I

1 would just like to make a comment that I thank the
2 DEP for their interest in this application
3 proceeding, I support this community and I'm glad
4 that you do, too, and I hope that you proceed with
5 this application.

6 MR. DOYLE: Martha O'Brien will take the
7 odor control. Martha is our odor control expert.

8 MS. O'BRIEN: Hi, I'm Martha O'Brien, and
9 my involvement in the project has been to review
10 the site suitability and go over all of the
11 intended odor control measures that they have
12 proposed for this new operation, and ensure that
13 everything that is proposed in terms of odor
14 control will eliminate the potential for this site
15 and its operations to cause objectionable odors
16 downwind, and I can say that the measures that
17 they are proposing to use both in the way that
18 they're going to handle the waste and in the --
19 all the control measures, there's several layers
20 of defense that will keep the odors contained and
21 within the site boundaries, they've gone above and
22 beyond many of the landfills that I have
23 experience with in terms of all the things that
24 they're going to do to ensure that odors --
25 objectionable level odors do not get off the

1 site. If for some reason -- never say never.
2 Sometimes you might at a time if you're downwind
3 at the right time at the right place, you might
4 come upon an odor that is related to the landfill
5 operations. I wouldn't expect it to be anything
6 that would be an ongoing thing because, again,
7 they have their own monitoring system that is
8 going to detect problems before -- within the
9 confines of the landfill before it gets off site
10 so they can take care of it, but if it did, I
11 think Don Meagher mentioned earlier that part of
12 the plan is to establish a community complaint
13 hot-line, a number that you can call, register a
14 complaint and there's going to be a whole
15 complaint response system that's going to be in
16 place that's going to train the landfill employees
17 and also the town officials will have the same
18 opportunity to be trained and to go out and
19 respond to these odor complaints if they occur,
20 and depending upon what they find, take immediate
21 response back at the landfill to eliminate that.

22 MR. BURSON: Thank you. The next person
23 who is scheduled to speak is Calvin Carey. Is he
24 here?

25 MR. CAREY: I just want to make a couple

1 comments to --

2 MR. BURSON: State your name and your
3 place.

4 MR. CAREY: Calvin Carey, Milford, Maine.
5 I work for Georgia-Pacific Corporation, and I
6 guess my feelings about the landfill and
7 everything is a lot about, you know, how safe it's
8 going to be and everything, and I think the DEP
9 has done a good job. I was down at the Bangor
10 meeting and I looked at a lot of the plans, and
11 everything seems to be very up and up as far as
12 what I could see, but I'm just one individual, but
13 I guess the big thing that I'm looking at right
14 here is we've got to have a landfill somewhere,
15 the DEP found this to be a suitable site, it's
16 been operational now for a few years, it's doing
17 very well, we've had very little problems with
18 it. I don't understand why people feel so much
19 concern about where this should be and whether we
20 should have it in another town. This is a good
21 landfill. It's working good, and it's going to be
22 taken care of and monitored. We're not a
23 third-world country that we're just dumping our
24 waste like a lot of big business have done.
25 They've moved it out to some other countries, the

1 Philippines and China and everything just throwing
2 their waste out into the ocean. We're here in a
3 country that's watching over us and watching the
4 situation we're in and monitoring these
5 landfills. I think the people in this town ought
6 to feel real good about what's been done with this
7 landfill, and a 30-year outlook for this landfill,
8 the good things it's going to be for the
9 community. It's going to save jobs. There's no
10 question about that, and it's not just the jobs at
11 Georgia-Pacific. I mean, we're talking expanded
12 -- you're talking hundreds of jobs, maybe even
13 thousands of jobs, if we was to lose this business
14 in Old Town and it's a big impact. It's an impact
15 for everybody, and I don't think we could stand to
16 lose this or to take and move it into another
17 site. It's going to be a benefit for the city of
18 Old Town in taxes and in funds that are going to
19 come from this landfill. I think that everybody
20 ought to take and give everybody a good hand, a
21 big hand for this landfill and accept this as it's
22 been laid out to everybody. Thank you.

23 MR. BURSON: The next person on our list is
24 Rosalita Feero. Did I say that correctly?

25 MS. FEERO: Correct, perfectly. Good

1 evening, Ladies and Gentlemen. My name is
2 Rosalita Feero. I'm from Alton, Maine, and first
3 of all, I want to tell you that my heart goes out
4 to all the people who will be -- who will suffer
5 from this landfill if it is licensed, but tonight
6 I am here as a small business owner and proprietor
7 of Cotton Petals Fabric Shop. My husband and I
8 invested most of our retirement funds in a
9 building so that I could have a lifelong dream of
10 owning my own business. Construction started in
11 June and we opened our doors September 5th, 2003.
12 My husband and I work six days a week and many
13 hours a day to make my business earn enough money
14 to pay our bills and insurance that we have to
15 purchase on our own. We thought that the State of
16 Maine was in favor of small businesses as a lot of
17 the larger ones have either shut down or gone out
18 of state. Maine does not seem small business
19 friendly to me. As the land my shop is on abuts
20 the landfill road, I get to see firsthand how
21 things are now, and I can't imagine how awful
22 things are going to be once the landfill is
23 running full force.

24 To begin with, the dust problem now is not
25 being taken care of in a satisfactory manner.

1 After a complaint from another source was made
2 about the dust, Casella hired a sweeper to come
3 clean the road. All it accomplished was to make
4 all the dirt airborne. When I complained to DEP,
5 I was told that that was because it was the first
6 sweep of the spring and all winter's dirt was on
7 the road and that the water could not penetrate
8 all layers. It seemed reasonable. Since that
9 time, the road was swept one more time. The same
10 was basically true, making the dirt airborne again
11 was accomplished. As I watched the trucks enter
12 today, clouds of dust were everywhere. If the
13 dust situation cannot be handled now, how will it
14 ever be handled in the future?

15 The second comment would be about the noise
16 the trucks make going past my building. My
17 building is about 70 feet off the road. The
18 amount of traffic at present, although not ideal,
19 is almost tolerable, but how am I supposed to live
20 with as many as 30 trucks as hour going by or
21 perhaps 60 if they're going both ways? I was told
22 no jake brakes would be used, they are being.
23 Those two things alone will ruin my quaint little
24 fabric shop and may destroy my little business.
25 Add anything else like smell, trash beside the

1 road, et cetera, and it will destroy it. How are
2 my husband and I going to recoup our loss of
3 retirement if I lose my income? Will the state
4 supplement my income so that they can have a place
5 to dump trash? I ask you to please reconsider the
6 location of this landfill. Isn't there a place
7 other than here that won't hurt so many people?
8 And I'm going to keep it brief because I would
9 like to hear from both DEP and Casella as to how
10 I'm supposed to feel and deal with this
11 situation.

12 MR. BURSON: Thank you.

13 MS. FEERO: Would somebody like to respond
14 to me?

15 MR. BURSON: I was looking both ways.
16 Either side?

17 MR. MEAGHER: In terms of the entrance to
18 the landfill, that is where the entrance is, and I
19 can't change that. In terms of the dust on the
20 road, we have proposed in the application to
21 substantially lengthen the portion of the road
22 that is paved. Right now a relatively short
23 portion of it right at the entrance is, and we're
24 prepared to pave enough of that road, all of the
25 road if necessary, to control dust. We'll have a

1 commercial street sweeper at site. That sweeper
2 will be used as often as is needed to control
3 dust, but, of course, we can't use a street
4 sweeper on an existing gravel road as it is at
5 present, and until the project is approved, we
6 can't go forward with those improvements as well.
7 So we're hoping to do that. Our plan is to do
8 that during the coming construction season, and
9 I'm sure that it will very much improve the dust
10 situation.

11 MS. FEERO: Guaranteed?

12 MR. MEAGHER: We've --

13 MS. FEERO: The dust is going to come off
14 of Route 16 just the same. I mean, there's not
15 only dirt coming from the landfill, there's dirt
16 coming off the highway onto that road.

17 MR. MEAGHER: Yeah, we unfortunately cannot
18 control the remnants of sand and salt on a state
19 highway because we have not created that nor are
20 we in a position to remove it. That's a public
21 works issue.

22 MS. FEERO: You're telling me what you're
23 proposing to do, but you're not telling me how I'm
24 supposed to feel and how I'm supposed to deal with
25 it. I've been on that property with my husband

1 for 36 years. He was born in our upstairs
2 bedroom. How do any of you presume to tell me how
3 I'm going to deal with this situation?

4 MR. MEAGHER: I wouldn't presume to tell
5 you.

6 MS. FEERO: And does anybody care?

7 MR. MEAGHER: Oh, of course we do. Of
8 course we do.

9 MS. FEERO: DEP?

10 MS. DARLING: Cyndi Darling. I'm at least
11 one of the people who talked with you. I don't
12 know if you talked with the person from the Air
13 Bureau who went out there as well. As I explained
14 to you, the same day that that happened, Bangor
15 was cleaning its streets and making a huge mess as
16 well. The first road sweeping anytime after the
17 winter is always -- because there's so much
18 material, it's always a mess. I didn't realize
19 that they had tried to clean it a second time.
20 Nobody called to say there was a problem again.
21 As I explained to you that day, the sweeper that
22 Casella uses at the landfill in Hampden is
23 extremely effective. I think that once you see
24 their own piece of equipment rather than one that
25 they hire, you'll see a big difference.

1 MS. FEERO: My concern is people have been
2 put in charge of the landfill and even though
3 they're not fully licensed, they are managing that
4 landfill. Today they need to manage that landfill
5 as if they had it. If they're not prepared with
6 the equipment, the manpower, whatever it is, right
7 this minute, they shouldn't be managing that
8 landfill.

9 MS. DARLING: I agree with part of what
10 you're saying. Again, until -- there are changes
11 that they are proposing to make that they cannot
12 make until they actually have this license.

13 MS. FEERO: There again I'll ask you as I
14 asked them. How do I deal with the loss of the
15 quality of my life and my little business? How do
16 I deal with that?

17 MS. DARLING: I can't answer -- you know, I
18 understand what you're saying.

19 MS. FEERO: Well, as the gentleman said
20 before, I'm very close and I will be watching and
21 I will be complaining if this is out of line.
22 Somebody has to be held accountable, whether it's
23 DEP, Casella, Air Quality Control or whatever the
24 agency is. Somebody has to be accountable to the
25 citizens of Alton and Old Town.

1 MS. DARLING: The Casella people haven't
2 mentioned anything, but the complaint system for
3 odor control, that same system is also for any
4 type of complaint and you know how to call me.
5 You know how to reach me any way possible. We do
6 investigate those complaints when you make them.
7 So any time there's a problem, feel free to call.

8 MS. FEERO: Okay. I thank you for your
9 time. I would just like to reiterate, please
10 reconsider the location of this landfill. There's
11 got to be another place that doesn't hurt so many
12 people. Thank you.

13 MR. BURSON: It's about ten minutes of
14 seven. The meeting is scheduled to go to eight.
15 If there are people in the room who have not yet
16 registered to speak and would like to do so,
17 please do so now at the back of the room and then
18 we'll make sure an opportunity is provided for
19 you. The next person who has registered to speak
20 is -- is it Dana Snowman?

21 MR. SNOWMAN: Hi, my name is Dana Snowman.
22 I live in Alton. I wanted to learn something here
23 tonight. Who is the solid waste expert on the
24 panel, the State Planning Office who is familiar
25 with existing landfills here in the State of Maine

1 who would be the expert? Can I talk to you
2 directly and get answers from you right --

3 MR. MacDONALD: I'm not an expert, but I'll
4 try. George MacDonald.

5 MR. SNOWMAN: Okay, George MacDonald, yes.
6 How many active landfills are there in the State
7 of Maine right now?

8 MR. MacDONALD: I'm aware of six, seven
9 municipally managed landfills and two commercial
10 landfills. There are a number of industrial
11 generator owned facilities I'm not aware of.

12 MR. SNOWMAN: That deal with municipal
13 solid waste. Could you -- my question is, I'd
14 like to have an answer to what -- what are they --
15 start with the biggest one -- and then give me
16 some idea of tonnage that went into these
17 landfills during the last reporting period.

18 MR. MacDONALD: That's information I don't
19 have on the tip of my tongue. I can give you --

20 MR. SNOWMAN: Just approximately, just
21 approximately. I mean, I know approximately.

22 MR. MacDONALD: I'll start from the north
23 end of the state and work my way down. You have
24 Tri-Community landfill in Fort Fairfield. It
25 serves around 31 communities.

1 MR. SNOWMAN: How much waste goes into that
2 one approximately?

3 MR. MacDONALD: I don't remember.

4 MR. SNOWMAN: You don't remember? All the
5 waste from that area, though, up there in --

6 MR. MacDONALD: From those 31 towns.

7 MR. SNOWMAN: From those 31 towns all goes
8 into that landfill?

9 MR. MacDONALD: To that facility, that
10 material that is not recycled or composted. There
11 is a landfill in the city of Presque Isle that
12 takes the waste from Presque Isle and seven
13 surrounding communities. Then we have a
14 commercial landfill in Hampden, Pine Tree landfill
15 and there's a commercial landfill in Norridgewock
16 Crossroads, owned by Waste Management, then you go
17 to Augusta which has the Hatchhill facility and
18 that serves the city of Augusta and seven or eight
19 surrounding communities. Then you go down to Bath
20 and that landfill serves the city of Bath and a
21 small number of the surrounding communities. The
22 town of Brunswick has a secure landfill that is
23 for its own purpose, no out of town waste goes
24 there. You have a disposal facility in Lewiston
25 that receives ash from the incinerator at Mid

1 Maine in Auburn and bulky waste from the city of
2 Lewiston, then you have the Regional Waste Systems
3 disposal facility in Scarborough. Those are all
4 secure facilities. They all have liners. Then we
5 have two small landfills. One is in Little Squaw
6 Township and the other is in West Forks. Those
7 are the disposal facilities, landfills that are
8 receiving wastes today.

9 MR. SNOWMAN: And do you know the total
10 amount of waste that goes into all of those
11 landfills? Not any one individual. So there's
12 nobody here that knows how much waste --

13 MR. MacDONALD: That's information we can
14 get, but I don't have it on the tip of my tongue.

15 MR. SNOWMAN: You weren't prepared for that
16 question right there seriously? How much waste is
17 being landfilled currently in the State of Maine?

18 MR. MacDONALD: No.

19 MR. SNOWMAN: I find that amazing to be
20 honest with you but, I mean, seriously, I'd know
21 that if I was in your job.

22 MR. MacDONALD: You want the exact
23 tonnage. I do not know an exact tonnage.

24 MR. SNOWMAN: Not exact. Just give me a
25 ballpark figure.

1 MR. MacDONALD: 450 to 500,000 tons.

2 MR. SNOWMAN: In all of them?

3 MR. MacDONALD: Yes.

4 MR. SNOWMAN: I was aware -- I thought that
5 the Hampden landfill took in 663,000 tons last
6 year all by itself.

7 MR. MacDONALD: Are you referring to total
8 waste? The Hampden landfill took waste -- I don't
9 have the 2003 figures. We're using 2001 figures,
10 and I'm looking at the waste that's generated --

11 MR. SNOWMAN: Could I get that? That's
12 something that I'd like to have as far as
13 information maybe. In a timely manner. I tried
14 to find that. It's awful hard to find. I've done
15 searches on the internet and I noticed it's all --

16 MR. MacDONALD: If you went to the web site
17 for the State Planning Office and went to the 2001
18 Waste Generation Disposal Capacity Report which is
19 under publications, that information is in there.

20 MR. SNOWMAN: It is in there?

21 MR. MacDONALD: Yes.

22 MR. SNOWMAN: Yeah. I guess also I noticed
23 a discrepancy in you said this morning that we
24 generate 5,000 tons per day as citizens in the
25 State of Maine. I believe that was what you said,

1 right? Was it you that said that?

2 MR. MacDONALD: Yes.

3 MR. SNOWMAN: That comes out to -- I did
4 the math -- like 1.8 million tons per year?

5 MR. MacDONALD: That's the solid waste
6 generated in the state in the year 2001. That's
7 the total waste stream generated. That includes
8 the tonnage that was recycled, composted,
9 incinerated and landfilled.

10 MR. SNOWMAN: I did do some searches on the
11 internet and I came up with a fairly consistent
12 number of around 230 million tons of municipal
13 solid wastes are generated in the whole of the
14 United States, some 300 million people to make the
15 math easy, which comes out to -- in other words,
16 what I'm trying to find out, do we in Maine
17 generate more trash for any particular reasons
18 than the average American does?

19 MR. MacDONALD: We have a slightly higher
20 per capita generation rate which may be partially
21 explained by the number of vacationers who come to
22 Maine. In 2002, I believe it was the Maine
23 Tourist Bureau said we had around 43 million
24 visitor days. We have a lot of people that come
25 to this state for numerous reasons. We have a lot

1 of recreational activities. Most of your day-type
2 activity facilities tend to generate more waste
3 per person than the permanent residents would.

4 MR. SNOWMAN: Also cost benefit analysis,
5 it seemed to me whenever you have a major project
6 like this, this is a major dump project as near as
7 I can tell, that you have a cost benefit analysis
8 whereby the costs would be weighed against the
9 benefits and only if the benefits outweighed the
10 costs would you proceed with the project. That's
11 just common sense. I was wondering if you -- if
12 you had -- what you figured for the costs of this
13 project?

14 MR. MacDONALD: We did not do a detailed
15 cost benefit analysis on this overall project.

16 MR. SNOWMAN: So it would be awful hard to
17 tell if it was economically viable then, wouldn't
18 it?

19 MR. MacDONALD: There's more to the
20 landfill than just the landfill itself because
21 we're looking at the different practices and
22 programs that Casella will be implementing.

23 MR. SNOWMAN: Those are benefits?

24 MR. MacDONALD: Those are benefits, yes.
25 Including recycling and composting opportunities,

1 that's a benefit. Managing construction
2 demolition so it doesn't end up at a landfill,
3 that's a benefit. It's been very hard to put
4 actual cost benefit numbers together.

5 MR. BURSON: I think your time is up. The
6 next person who has registered to speak, is it Jim
7 Runyan?

8 MR. RUNYAN: Good evening. My name is Jim
9 Runyan. I'm from the town of Pembroke. The
10 reason I am here is I'm also an employee of
11 Georgia-Pacific. I'm the group manager for wood
12 and fiber procurement, which is involved with
13 putting the wood fiber into the mill. I think the
14 point that I want to make, and I heard another
15 gentleman make the same point. I'm hearing a lot
16 of people talking about the local impacts of this
17 landfill. I guess the point I want to make is
18 it's more far-reaching than just Old Town. There
19 are an awful lot of loggers that work in many
20 different parts of the state. There are
21 truckers. The railroad is involved with this
22 process. The operations in the woods very much
23 depend upon this mill being viable, and this
24 landfill is a very important part of keeping that
25 mill viable. I also went to school as a forester

1 and studied in the sciences. I have some
2 background in geology and hydrology. I know the
3 state hires engineers and scientists to explore
4 those things, as I'm sure Casella does as well,
5 and I'm sure you've done your homework. Obviously
6 there's a lot of people here with some concerns,
7 and I hoping you're addressing all those concerns
8 to make sure that this is the best place to put
9 this landfill, and I believe at the end of the day
10 we're going to find out that it is because of the
11 work that you've done. I want to thank you very
12 much for the hard work you've done and hopefully
13 you will give some comfort to the people who have
14 some concerns about the -- about this landfill in
15 this part of the state, and I support your
16 position in giving this permit to be permitted.
17 Thank you.

18 MR. BURSON: Thank you. The next person on
19 our list is Greg Bosch.

20 MR. BOSCH: Hello, my name is Greg Bosch,
21 and I do work for Georgia-Pacific. What I'd like
22 to do is make a comment on the current management
23 style and system of the landfill. I have a
24 slightly unique perspective in that I actually
25 grew up within walking distance of a landfill.

1 The first 18 years of my life, that's what I could
2 do. I could walk to a landfill where I grew up.
3 I worked through college, summer intern jobs on
4 superfund sites, and I've worked at many other
5 mills throughout the United States. I came to
6 this mill about five years ago, and one of the
7 things I was very impressed with was the
8 environmental stewardship of the management team,
9 of all the employees at the mill. I have never
10 seen a mill operate with such environmental
11 integrity as I've seen Mike Curtis and his people
12 work through. Not once have I seen one extra ton
13 produced and compromise environmental standards.
14 I think we can all rest assured that the
15 management of this landfill has been top-notch.
16 I'd just like to make that quick comment. Thank
17 you.

18 MR. BURSON: Thank you. Again, just to
19 remind those who I know are waiting, our
20 commitment was that anyone who had not yet had a
21 chance to speak would go before those who would be
22 speaking for a second time. The next person who
23 has asked to speak is Laura Lommler.

24 MS. LOMMLER: My name Laura Lommler, and I
25 live in Old Town. I'm a student at the University

1 of Maine. I guess I just want to readdress a
2 question that was asked by Dr. Lommler a few
3 moments ago, and that was about how prepared Old
4 Town is and the other towns that the large trucks
5 will be traveling through, how prepared those tons
6 are to deal with accidents, and I have here in
7 front of me the traffic review and the response
8 from the person who did the traffic review was
9 that it's not a concern because there haven't been
10 accidents, but here in the traffic review it says
11 that there have been in the areas where the trucks
12 will be traveling. For example, on alternative
13 route 1, it states this route has experienced 461
14 reportable crashes in the past three years, 26 of
15 which involved large trucks. Alternative route 2,
16 this route has experienced 468 reportable crashes
17 in the past three years, 20 of which involved
18 large trucks. Alternative route 3, this route has
19 experienced 717 reportable crashes in the past
20 three years, 20 of which involved large trucks,
21 and that's what I -- and also alternative route 4,
22 there are 567 crashes along this corridor, 14 of
23 which involved large trucks. So I guess I'd like
24 to re-ask that question of whoever can answer that
25 how -- what's going to happen when there are

1 accidents?

2 MR. BURSON: Does someone care to respond?

3 MR. DOYLE: Bill Eaton, if you'd care to
4 respond to those traffic questions.

5 MR. EATON: Bill Eaton again. The
6 publication that you were reading from is one that
7 was prepared by the Maine Department of
8 Transportation, and when I was referring or
9 discussing safety earlier, I was talking about
10 locations of high crash locations within the
11 vicinity of the site. Certainly there are
12 accidents that occur. There are six routes that
13 DOT looked at and there are accidents all along
14 them with anywhere from five percent down to like
15 two or three percent of those accidents involving
16 heavy trucks. In terms of looking at it, any
17 vehicle of any size can get in an accident on any
18 given day. Again, there's nothing unique about a
19 truck carrying trash that makes it more
20 susceptible to getting in an accident.

21 MS. LOMMLER: Except that it's bigger than
22 all the other trucks.

23 MR. EATON: No. I think you'll find that
24 many of the trucks --

25 MS. LOMMLER: Are there other 80,000 pound

1 trucks and 100,000 pound trucks that travel --

2 MR. EATON: I can assure you that there are
3 trucks running well over 100,000 pounds --

4 MS. LOMMLER: So that's exactly what I'm
5 saying.

6 MR. DOYLE: Can you let him finish?

7 MS. LOMMLER: Oh, I'm sorry.

8 MR. EATON: There are very heavy trucks
9 running on the roads right now and a lot of them
10 are running overweight as well which everybody
11 knows but we kind of look the other way. That's
12 about as far as I can go to answer your question
13 with regard to the response time in dealing with
14 this stuff. You're out of my area. I don't know
15 about that stuff.

16 MS. LOMMLER: Okay. So I still feel like
17 my question hasn't really been adequately
18 addressed. You kind of emphasized my point that
19 there will be accidents, that all vehicles that
20 move are susceptible to accidents, and we should
21 be prepared for that, correct?

22 MR. EATON: I don't think I would
23 characterize it to say there will be accidents
24 inferring that these trucks will, in fact, get in
25 accidents. I'm saying that accidents, in fact, do

1 happen, and that's why they're called accidents,
2 and one could involve one of these trucks, and it
3 could flip over, but could as a possibility and
4 could as a probability are two different
5 situations.

6 MS. LOMMLER: So what you're telling me is
7 that we have no preparations for when there are
8 accidents?

9 MR. EATON: I'm telling you I don't know.

10 MS. LOMMLER: Okay. Is there anyone that
11 knows?

12 MR. BURSON: Cyndi, can you give us some
13 help here?

14 MS. DARLING: I think that what was said
15 earlier was that Casella -- there was no record of
16 Casella trucks being involved in these accidents,
17 not that there weren't accidents. I believe --
18 I'm not absolutely sure, but I believe that Old
19 Town has a haz-mat team. The mill certainly does
20 that would respond in such cases, and the
21 Department has a fully staffed response services
22 office in Bangor with someone always on call
23 responding to accidents whenever they happen 24
24 hours a day. So there certainly are people very
25 local who could respond if something happened.

1 MS. LOMMLER: So is that going to be like
2 made certain before this goes through and the
3 increased truck passages happen and we're going to
4 be sure that there's preparations for it? Is that
5 what you're telling me?

6 MS. DARLING: They train to respond to
7 accidents of all sorts, chemical, petroleum
8 related and whatever happens.

9 MR. LOMMLER: Okay. Thank you.

10 MR. DAVIS: Let me add one more thing to
11 this. I'm Steve Davis. I'm the Bureau Director
12 for Remediation and Waste Management. We have
13 staff all over the state that are very highly
14 trained. We spend probably, I don't know,
15 thousands of dollars a year on trying to keep
16 these staff updated for these kinds of situations,
17 and there's no doubt in my mind that if one of
18 these trucks happens to tip over and there's an
19 issue, that my staff will be there immediately.
20 They're on 24-hour call, and they're very good at
21 what they do.

22 MS. LOMMLER: Thank you.

23 MR. BURSON: Thank you. The next speaker
24 is Robert Campbell.

25 MR. CAMPBELL: My name is Robert Campbell,

1 and I'm from Brewer. First of all, I have a lot
2 of questions, but I'll only ask a few. Is there
3 any liability that will be placed on the host
4 community, the state or the consortium of PERC
5 towns and cities that use the landfill? Second of
6 all, who will be liable for the cost of processing
7 leachate throughout the life of the landfill, and
8 will there ever be a cost of liability for the
9 host community when it comes to leachate? Three,
10 will Casella or any subsidiary of such company be
11 able to sue or take any legal action toward or on
12 the host community or the State of Maine? Four,
13 it just seems like the GP mill is based on the
14 expansion of this landfill, whether it be up or
15 outward, when it is really that GP needs it to
16 have an environmentally sound biomass boiler to
17 create electricity to save money to lower costs,
18 not actually to have a landfill because GP won't
19 be making money from the landfill. They'll be
20 making money from a biomass boiler, and we're not
21 here to take jobs away from the mill at all. As a
22 matter of fact, we'd like to see the mill hire
23 another 500 people and increase their ability to
24 do business. Fifth, why has the Governor not made
25 any public comment on this state-owned landfill

1 because he is the person who will ultimately have
2 his name on this mountain or what you could call a
3 manufactured landmark of sorts. Six, who will be
4 liable for the cost of -- I already asked that
5 one, sorry about that. What will the local
6 communities do that acquire drinking water from
7 the aquifer that exists below this landfill site
8 when and if it becomes polluted by proposed
9 landfill? Which would be Old Town, Orono,
10 Milford, they all receive water from wells that go
11 down into this aquifer. Also, who will be liable
12 for the cost of roads, infrastructure
13 deterioration that will take place within our
14 state from the out-of-state waste that is hauled
15 into the state for profit and turned into in-state
16 waste after incineration and then hauled to the
17 landfill? Is there a direct tax on this waste to
18 offset the cost of state residents? I'll take a
19 few answers to those.

20 MR. DOYLE: I'm sorry, what was your name
21 again?

22 MR. CAMPBELL: Robert Campbell, Mr.

23 MR. DOYLE: Mr. Campbell, your first
24 question was any liability on the state, the
25 cities or the host communities for the landfill,

1 was that your question?

2 MR. CAMPBELL: Yes.

3 MR. DOYLE: No. Second question, cost of
4 processing leachate, any for the host community,
5 no.

6 MR. CAMPBELL: Ever? Even after --

7 MR. DOYLE: Don.

8 MR. CAMPBELL: That would be even after the
9 landfill closed?

10 MR. MEAGHER: I'll answer it. The current
11 disposal site for the leachate is the mill. Since
12 the landfill has been operating, the leachate that
13 has been going to the mill will continue to go to
14 the mill. We have proposed in our proposal to the
15 state, it's imbedded into our contract with the
16 state, that should we be able to reach agreement
17 with the city of Old Town to use their treatment
18 plant and there are some studies that need to be
19 done in terms of capacity, things of that sort, we
20 would at our cost construct a sewer line from the
21 landfill and connect into the nearest sewer. If
22 that leachate were to go to the Old Town treatment
23 plant, the cost of treatment would come out of the
24 host fee that we're paying to the city.

25 MR. CAMPBELL: Okay. One other question to

1 do with that. If you're going to connect into the
2 nearest sewer and there is gases from this
3 leachate, how will you take care of any of these
4 gases that could escape within the city of Old
5 Town because a lot of stormwater drains are
6 connected to the sewer system in Old Town still
7 because not all of them have been separated
8 through a stormwater separation program?

9 MR. MEAGHER: I'll defer that to the
10 engineers.

11 MR. MAHER: The question is, what would you
12 do with the landfill gases that might escape from
13 the sewer system that connects from the landfill
14 to the city?

15 MR. CAMPBELL: Yes, because you're going to
16 put a sewer system up to any existing sewer system
17 and then put the leachate into that.

18 MR. MAHER: Well, if and when a sewer
19 system was constructed between the landfill and
20 the city, that whole system would have to be
21 engineered to be fail safe from the landfill all
22 the way to the point where it's discharged to the
23 wastewater treatment plant.

24 MR. CAMPBELL: So it should be a sealed
25 line from the landfill to the sewer treatment

1 plant in which you choose to use?

2 MR. MAHER: I'm not saying that. What I'm
3 saying is that it would be engineered so that
4 there would not be any escape of gases.

5 MR. CAMPBELL: Okay, and all I want to put
6 on the record is that for the people of Old Town,
7 we would like it to be a sealed sewer system that
8 doesn't allow any gases to escape within the city
9 limits.

10 MR. MAHER: Well, there's a lot of
11 different considerations that would go into
12 designing a sewer from the landfill to the city,
13 and the city of Old Town would certainly be part
14 of that process whereby they might want to connect
15 other portions of the city into that sewer. So
16 that's not a decision or a design made in a vacuum
17 by Casella. That is a process where the city, the
18 state and everyone else is involved in how that
19 sewer gets designed.

20 MR. CAMPBELL: Would the city and state
21 have any liability to that? Would they have costs
22 to that sewer system or would Casella pick up that
23 charge seeing they're making profits from it?

24 MR. MAHER: I suspect it's a Casella --

25 MR. CAMPBELL: And should I -- this is not

1 Casella. This is the news media.

2 MR. MAHER: It's something that's beyond my
3 purview, let's just say.

4 MS. WALSH: Can I ask you if you wouldn't
5 mind just allowing them to complete their
6 statement and go with the ground rules, and speak
7 one at a time and you are kind of getting to the
8 end of your five minutes, and it's hard to keep
9 track.

10 MR. CAMPBELL: Certainly. Do they have ten
11 minutes after I speak to answer?

12 MS. WALSH: No, they do not. It's a
13 ten-minute chunk of time in which you guys have
14 the opportunity to have questions answered. If
15 there are more questions than there's adequate
16 time allowed for for these guys to answer the
17 questions, we've been lenient on that end to make
18 sure that these questions are answered.

19 MR. CAMPBELL: Then what I will ask is I
20 will -- you don't have to answer anymore
21 questions. I would just like to have all my
22 questions -- I will submit them written, and I
23 would like to have written responses to all of
24 them, okay? Thank you.

25 MS. WALSH: Thank you.

1 MR. DOYLE: Well, we'll try to respond now,
2 but we're not committing to any written
3 responses. The record closes tomorrow at 8:00 and
4 it depends on the ability we have. We'd rather
5 respond orally right now.

6 MS. WALSH: Okay. Why don't you go ahead
7 and do that then.

8 MR. DOYLE: His next question dealt with
9 whether Casella will be able to sue the host
10 community or the State of Maine. For what? I
11 don't understand the question. If they have a
12 cause of action, possibly, but it's a very
13 speculative, open-ended question so it really
14 doesn't warrant a response. There was a question
15 about Georgia-Pacific and the biomass boiler, the
16 biomass boiler being needed by Georgia-Pacific to
17 lower its energy costs, true, but the funds to
18 purchase the biomass boiler are coming from the
19 sale of this landfill between Georgia-Pacific and
20 the State of Maine, a portion of which has been --
21 half of which has been paid so far, in addition to
22 the disposal of Georgia-Pacific waste in the
23 landfill at a very favorable rate for the long
24 term. Why has the Governor not made any public
25 comment on the landfill? That's one you're going

1 to have to pose to him. What will the local
2 communities do if the aquifer became polluted,
3 John, I'm going to let you take that one.

4 MR. SEVEE: John Sevee. People do use the
5 bedrock aquifer in this general area for potable
6 supply purposes. The portion of the aquifer
7 underneath the site, as I explained in my
8 testimony earlier today, the groundwater tends to
9 stay local to the landfill site, and by that what
10 I meant was if there were some sort of a spill or
11 leak on the site, it doesn't enter into this
12 regional groundwater aquifer system and affect
13 people along Routes 43 or 16 or other places in
14 the general area. It would tend to stay local to
15 the landfill site where it would be collected and
16 remediated or whatever.

17 MR. DOYLE: And your last question, Mr.
18 Campbell, was who is liable for infrastructure on
19 the roads caused by -- infrastructure improvements
20 caused on the roads by the use of trucks for
21 out-of-state waste. First of all, this landfill
22 is only taking in-state waste. Secondly, the
23 State of Maine sends waste out of state, both
24 hazardous and solid waste, and they bring into the
25 state waste from out of state. Waste is an item

1 of interstate commerce, and it's regulated by the
2 U.S. Constitution and it flows between state lines
3 and flows between countries.

4 COMMISSIONER GALLAGHER: Dawn Gallagher. I
5 wanted to address Mr. Campbell's question about
6 the Governor, and first I want to say that he has
7 been very involved, and I give him periodic
8 updates. I've talked with him more than a dozen
9 times about this landfill, and as a matter of
10 fact, we're having these two days of meetings
11 right now because the Governor insisted upon doing
12 that. He feels very strongly that we need to try
13 to work together, that the process is followed,
14 that people are being heard, very strongly about
15 that.

16 MS. WALSH: Okay, so there's one more
17 person that has not yet spoken that has requested,
18 and that's Ben Ward, and, again, if you could
19 state your name and where you're from, please.

20 MR. WARD: My name is Ben Ward. I live in
21 Bangor, Maine. I work at Georgia-Pacific in Old
22 Town. I've been employed for about a month.
23 Prior to coming to work at Georgia-Pacific, I
24 worked at Eastern Fine Paper in Brewer and as
25 anybody has read the paper, they know the plight

1 of them. What I challenge everybody in this room
2 to understand is that we're all here for the same
3 reason. We love the State of Maine, and we love
4 the particular communities that we live in right
5 here. I know that the DEP is not going to license
6 this landfill if they don't feel that it meets all
7 the standards set forth by the State of Maine and
8 the United States for EPA, DEP standards. I've
9 worked with the DEP in the past, and to think that
10 they're going to let something slide through is
11 ridiculous. They have a very high level of
12 integrity and for anybody to sit here and
13 challenge that should be ashamed of themselves.
14 What this boils down to is jobs. We love to live
15 here, but without these jobs, we cannot enjoy the
16 way of life that we do in the State of Maine.
17 People talk about tourists bringing waste in.
18 Well, too many more of these mills shut down and
19 too many more of these jobs are lost, that's all
20 that's going to be in the state is tourists, and
21 we will not be able to enjoy the way of life that
22 we do. I guess that's all I really have to say.
23 I just want to state again I feel very confident
24 with the integrity of the DEP representing the
25 State of Maine that the licensing on this will be

1 a hundred percent and the environment will be
2 protected. Thank you.

3 MS. WALSH: Stan Levitsky.

4 MR. LEVITSKY: Stan Levitsky, Old Town,
5 Maine, just a resident here who cares about my
6 town -- city. A question for Dawn Gallagher, in
7 our negotiations for this meeting on the phone,
8 you actually told me that we would be allowed to
9 have written responses submitted into the record
10 and written questions that would be answered in a
11 reasonable timeframe. Who determines that
12 tomorrow is the close of the record and how could
13 we get answers submitted if the record is closing
14 tomorrow? And I'm just going to read my
15 questions.

16 COMMISSIONER GALLAGHER: Okay.

17 MR. LEVITSKY: For -- I guess for George
18 MacDonald, I have a question for you. Who's
19 responsible for the official meaning of the
20 definition Maine waste? If you can answer that
21 question, and so, in other words, what I'm asking
22 is who determined that out-of-state waste coming
23 in once incinerated gets the definition Maine
24 waste? And for Casella, I have a question of once
25 that out-of-state waste is treated and becomes ash

1 and we'll call it Maine ash because it's no longer
2 just waste, it's ash, how is that ash treated at
3 the incinerator when it's created and is that ash
4 -- what is the consistency of that ash once it's
5 created and put onto a truck and what kind of
6 trucks will be transporting this ash? In other
7 words, is it a tanker truck, is it a big dumpster
8 with a tarp on it? I want to know how it's going
9 to be transported, and I was told by one of your
10 former engineers that the ash actually is like --
11 it gets a slurry on top like cream on milk, and I
12 want to know if that's true, and then one more
13 question is about leachate and sludge. Is there
14 an allowable amount of spillage per acre and what
15 that number is. In other words, one of the
16 reasons the DEP and your -- and Casella's
17 engineers were having discussions over whether the
18 dump was leaking and I think you guys said that
19 that was probably because there was sludge spilled
20 so it brought up a question of exactly how much of
21 this toxic waste, sludge, hazardous, call it what
22 you want, it's all poisonous to all of us, how
23 much of it is allowable in a project like this to
24 actually be spread around outside of the landfill
25 bounds or outside of the mill? Oh, and one more

1 question, how is the leachate treated at GP and
2 how will it be treated in the future and will it
3 ever be burned in the biomass boiler if that's
4 possible and will Casella if GP ever goes away
5 ever use that boiler to burn trash? That's it.

6 MS. WALSH: Okay, so lots of questions. Do
7 you want to -- Dawn, do you want to start?

8 COMMISSIONER GALLAGHER: Dawn Gallagher.
9 In terms of the record, anything that you write --
10 for example, there are forms that are available in
11 the back in terms of putting written comments and
12 written questions in. So anything that is written
13 as well as given orally and any responses that are
14 given orally today will be written and then be
15 placed in the record. That's why we're having it
16 transcribed. In addition to that, we are going to
17 issue a summary of the information, the comments
18 that we've heard, the information that we've heard
19 today as well as over the last three or four
20 months, and that way that will also be put in a
21 written form as a response.

22 MR. CAMPBELL: But if the record is closed
23 tomorrow, how can we respond to the answer? In
24 other words, how can the answer get on record as
25 well? In other words, if, as Casella says,

1 they're too busy to answer our questions over
2 tonight that we may have in written responses,
3 that was in response to someone earlier. When I
4 ask a question and I need an answer and then I
5 need to respond to that answer, how is my answer
6 as well going to get on the record for that?
7 Because if I'm giving you written questions and
8 they're getting answered after the record is
9 closed, it's kind of pointless.

10 COMMISSIONER GALLAGHER: I'm not sure I
11 exactly follow you, but I'll try. Are you saying
12 then that you would want to make a response back
13 to their response?

14 MR. CAMPBELL: Well, not necessarily. What
15 I'm saying is it was my understanding that if we
16 submitted a question that couldn't be answered
17 here, like some people have today, there would be
18 a written response in the official record of that
19 question, and from what Casella's lawyer has told
20 us, they don't have time to write these things
21 overnight or answer certain questions. Like Kim
22 Lommler's questions couldn't get answered. There
23 was too many of them. She wanted to submit her
24 questions for official answers on the record. If
25 the record closes tomorrow and he's not willing to

1 answer those overnight, how do they get answered?

2 COMMISSIONER GALLAGHER: Did you want to
3 respond?

4 MR. DOYLE: Yes. First of all, we've
5 responded to all the questions that have been
6 asked to my knowledge; and, secondly, not all of
7 these questions are relevant to the approval
8 criteria. So you can ask questions, but if it's
9 not relevant to the approval criteria, they don't
10 even warrant necessarily a response.

11 MR. CAMPBELL: Well --

12 MR. DOYLE: Can I finish?

13 MR. CAMPBELL: Yup, go ahead.

14 MR. DOYLE: Furthermore, this record has
15 been open since October 30th. When I first came
16 up here, we were talking about the Yankees playing
17 the Red Sox in a baseball game in the playoffs and
18 we're just about ready to start the baseball
19 season again. So that's been about five and a
20 half months, and there have been a multitude of
21 public comments that have been submitted into this
22 record. There's 15 hours of public testimony
23 today and tomorrow, and we've responded enumerable
24 times to public comments, to comments from the
25 staff, so at a certain point it has to come to an

1 end, and the Commissioner has said that's the
2 close of business tomorrow or the close of this
3 public meeting tomorrow.

4 MR. CAMPBELL: Well, I still ask you the
5 same question because whether you've been doing
6 this for a long time or not, I still want to know
7 when we discussed this, that's how the layout was
8 discussed originally. If that's changed, we need
9 to know that officially because we couldn't
10 prepare and what would be the point of preparing
11 written questions for the record if they're not
12 going to get answered because then they're not on
13 the record and we're wasting all of our time
14 here.

15 MR. DOYLE: Well, you can ask your
16 questions. We've brought people from Connecticut,
17 all over New England to answer questions, and you
18 can pose as many questions as you'd like during
19 the next two days, and we will give you
20 responses.

21 MR. CAMPBELL: But the questions that you
22 haven't answered, how are they going to get -- if
23 you can't answer them here, how are they going to
24 be answered?

25 MR. DOYLE: Can we get on to the responses

1 to the ten minutes because I think we might be
2 over the ten minutes now. If I could respond to
3 the questions he's posed, Maine ash, how is it
4 treated at the incinerator, what is its
5 consistency and what kind of trucks transport it
6 and are they covered, Don.

7 MR. MEAGHER: Don Meagher again and just to
8 qualify, I'm not a representative of the
9 incinerator. I'm not the plant manager and don't
10 have real firsthand knowledge of the plant, but I
11 have some understanding. Tom Gilbert may want to
12 add as well. The ash comes out of the plant, of
13 course, hot because the plant burns solid waste.
14 It has to be quenched. It is quenched with
15 water. The PERC plant tries to use the minimum
16 amount of water that it needs to to quench the ash
17 and to cool it off because, of course, they're
18 paying to dispose of the ash by weight, by ton,
19 and water is heavy. So it's very expensive for
20 them to have excess water in the ash, and they try
21 very hard not to have that. I'm not aware of any
22 slurry forming on top of the ash. The ash itself
23 is a very granular material, almost like a fine
24 gravel, dark in color, granular in consistency.
25 Tom, I believe it's a wide-floor trailer?

1 MR. GILBERT: Yes.

2 MR. MEAGHER: It's a tractor-trailer. It's
3 loaded from the top. It has a floor that moves
4 and allows the waste to come out the back of the
5 truck, and it is covered so that material doesn't
6 come out of the truck. In terms of the amount of
7 leachate or sludge or any waste material that's
8 permissible outside the footprint of the landfill,
9 zero tolerance for that, and we will enforce
10 that. The speaker indicated that the waste is
11 either toxic or hazardous. It is neither and it
12 is tested to assure that. In terms of how
13 leachate is treated at the Georgia-Pacific mill,
14 again, I don't have firsthand knowledge of that
15 but it's a paper mill treatment plant. It has a
16 very large capacity and the amount of landfill
17 leachate relative to the treatment plant capacity
18 at the mill is a small, small fraction, and that
19 mill is licensed by the DEP. It is licensed by
20 the DEP to accept landfill leachate. We have no
21 plans to burn leachate in the boiler, and we have
22 no plans to burn trash in the biomass boiler.
23 That would not be an acceptable fuel source for
24 that facility.

25 MR. BURSON: Tom, I've kind of lost track.

1 Does that finish that batch of questions?

2 MR. DOYLE: The only other question that
3 was not responded to was one for George about who
4 determines what Maine waste is.

5 MR. MacDONALD: George MacDonald speaking.
6 If a truckload of waste comes into the state and
7 that waste is delivered directly to a landfill, we
8 would consider that to be out-of-state waste. If
9 that waste is considered fuel and is delivered to
10 an incinerator, the incinerator becomes a
11 generator of the residue stream. That is what we
12 believe to be how it is defined as being Maine
13 generated waste. I know I spoke earlier to this
14 and the Commissioner had some clarification that
15 she added. I don't know if she wants to speak to
16 that again or not.

17 COMMISSIONER GALLAGHER: I think -- when
18 George has spoken before, I just wanted to make it
19 clear that even though there is no out-of-state
20 trash that's deposited in trash form proposed for
21 the West Old Town landfill, it is true and I think
22 it's fair to say in full disclosure that ash as a
23 result of out-of-state trash being burned is
24 allowed in the West Old Town landfill, and I think
25 that's an important distinction and is one that's

1 fair to say.

2 MR. BURSON: Thank you. We still have
3 other people who have not had a chance to speak
4 show up and so the next person on our list is Paul
5 Freeman.

6 MR. FREEMAN: Good evening. I'm here to
7 support Casella and GP Corporation.

8 MR. BURSON: Could you just quickly state
9 your name and where you're from?

10 MR. FREEMAN: Yes. Paul Freeman from Power
11 Specialist Associates. Again, I'm here to support
12 Casella and GP Corporate. I can't stand here and
13 tell you that I know every detail of the landfill
14 and the permitting of it; however, our company has
15 worked with Casella and GP throughout the country
16 for several years, the majority of that time in
17 and around their power generation systems. We
18 have found both groups to be excellent stewards of
19 the environment with their power systems and see
20 no reason why they would not continue as it
21 pertains to the landfill. We sincerely hope that
22 the sale of the landfill goes through and the new
23 boiler at the mill can become reality at the
24 mill. That boiler will help maintain the mill's
25 viability and create new jobs at the mill and

1 through the general area of the State of Maine.
2 With that boiler going on line, someone has to
3 build it, someone has to sell parts to it, someone
4 has to operate it, and those are all goods things
5 for the State of Maine; and, like I said, we've
6 worked with both companies throughout the State of
7 Maine and throughout the company and find them to
8 be excellent companies. Thank you.

9 MR. BURSON: Thank you. We have now
10 reached the requests to speak from people who have
11 already spoken once today. So Pamela Bell. Thank
12 you for your patience. I know it's taken a while
13 but we did want to make sure everybody had a
14 chance.

15 MS. BELL: This is the --

16 MS. WALSH: State your name and where
17 you're from.

18 MR. BURSON: Name and from, please.

19 MS. BELL: Oh, my name is Pamela Bell. I
20 live in Milford. I'll talk with George. This is
21 the first state-owned landfill in this state.
22 This process that we've been going through and
23 that's been happening all throughout is the same
24 process except we haven't had a real public
25 hearing, but, I mean, we have a brand new thing

1 coming to our state which is a state-owned
2 landfill. We had reasons for making it that way.
3 We did not -- to my knowledge, I haven't seen
4 anything big change about the process whereby this
5 occurs. We have landfill sites that have been
6 identified by owner generators. This particular
7 site was identified from among 59 within 20 miles
8 of the mill. There was a reason for that. It was
9 economical for Georgia-Pacific to do that. It was
10 a different type of landfill, a totally different
11 type of landfill. The amount of trash and
12 everything else that's going in there is
13 humongous. That 500,000 tons that we landfill
14 every year, this landfill here in Old Town is
15 going to be big enough to receive all of that
16 landfill waste. When these other sites are full,
17 the whole state's waste is coming to Old Town. To
18 have rushed into this, being pushed by lawyers,
19 people who are making money off of it, I think is
20 a very unfair thing to do to the state, and
21 particularly unfair to do to one small town, and
22 then to legislate it out that we have no right to
23 say anything, we don't even have home rule rights
24 for a landfill that will serve the entire state in
25 one town. Now, I don't understand what the rush

1 was. I don't know why we had to hurry so fast
2 because one company wanted some money and another
3 company came along and jumped in and joined them.
4 I don't think we want for-profit firms
5 particularly who are traded on the New York Stock
6 Exchange to be making profits, big profits, off
7 our trash. I think we need to take responsibility
8 for our own trash in this state. I do not believe
9 we should be importing it. Making energy from
10 trash is one of the dirtiest ways to make energy.
11 It doesn't make environmental sense. If people
12 had spoken from the very beginning that this is a
13 source of pollution, we are gathering all of our
14 trash and putting it in one place, it is a huge
15 source of pollution. That's a fact. Nobody talks
16 about that. We don't even hardly use that word,
17 and it is toxic. The compounds that are in that
18 leachate and that are in that gas are toxic to
19 human beings. In human beings. They're toxic to
20 living things. They are toxic to living things.
21 They are not toxic to Casella. You know, they
22 make a lot of money for Casella, but they don't
23 make money for us. Yes, we need some place to put
24 our trash. I think this is the wrong way to go
25 about it. I think it's circumventing the

1 intention of that 1989 Title 38. It just isn't --
2 it just isn't right. You know, I -- I have spent
3 three months of my life trying to make sense of
4 this, and I have been living in the state since
5 1972. I came here during the environmental
6 movement. I saw very sensible things done. I saw
7 water get cleaned up, the rivers get cleaned up
8 and this does not make sense. I'm sorry.

9 MR. BURSON: Ms. Bell, one minute.

10 MS. BELL: That's all I have to say.

11 MR. BURSON: Any response? The next
12 speaker is Alfred Meister.

13 MR. MEISTER: I spoke earlier before.

14 MR. BURSON: Thank you very much. Paul
15 Schroeder.

16 MR. SCHROEDER: Yes. Paul Schroeder from
17 Orono. Actually I don't think I have spoken
18 before because I asked a procedural question
19 earlier and I spoke in the question session,
20 neither of which, I don't think, were part of what
21 we call speaking, and I assume that speaking
22 tonight doesn't preclude my actually presenting
23 the comments I'm preparing for tomorrow.

24 COMMISSIONER GALLAGHER: That's true.

25 MR. SCHROEDER: Okay, a couple questions

1 came up tonight that I wanted to see if we could
2 get answers to tonight, actually three questions.
3 The first has to do with detention ponds. The
4 second has to do with the demolition debris and
5 the third has to do with overweight trucks.
6 They're pretty straightforward questions I think.
7 The first one has to do with the detention ponds
8 as opposed to the -- what are the other ones? The
9 leachate runoff --

10 MR. MAHER: The storage ponds.

11 MR. SCHROEDER: The storage ponds, okay.
12 Are the detention ponds lined?

13 MR. MAHER: No.

14 MR. SCHROEDER: And will the detention
15 ponds in the new facility or the amended facility
16 be lined?

17 MR. MAHER: The detention ponds in the
18 existing facility are not lined nor will the
19 future detention ponds be lined.

20 MR. SCHROEDER: And what's the purpose of
21 the detention ponds?

22 MR. MAHER: To store stormwater from rain
23 events so that it's released in a proper fashion
24 back to the environment.

25 MR. SCHROEDER: Thank you. Okay, my second

1 question has to do with the -- the source and
2 volume of demolition debris. My reading of the
3 agreements is that there is going to be a
4 guaranteed fuel supply to the biomass boiler of
5 around 100,000 tons per year from this facility,
6 is that right, at least beginning in the third
7 year?

8 MR. MEAGHER: That is correct.

9 MR. SCHROEDER: My first question about
10 that is how many tons of demolition debris are
11 required in order after it's processed, sorted and
12 chopped up to generate 100,000 tons of fuel?

13 MR. MEAGHER: I don't know the actual
14 conversions.

15 MR. SCHROEDER: Would it be about 200,000
16 tons?

17 MR. MEAGHER: Probably in excess of that.

18 MR. SCHROEDER: 300,000 tons?

19 MR. MEAGHER: That's probably pretty close.

20 MR. SCHROEDER: So, in other words, to
21 guarantee 100,000 tons to the boiler,
22 approximately 300,000 tons of demolition debris
23 will be brought to this facility?

24 MR. MEAGHER: Not to this facility, no.

25 MR. SCHROEDER: Where will this

1 pre-processing happen?

2 MR. MEAGHER: At another location.

3 MR. SCHROEDER: Where is that location?

4 MR. MEAGHER: Haven't determined it yet.

5 MR. SCHROEDER: But that processing
6 facility will not be at the landfill?

7 MR. MEAGHER: No.

8 MR. SCHROEDER: The second question about
9 the demolition debris, does demolition debris
10 that's brought in from out of Maine, is that
11 out-of-state trash?

12 MR. MEAGHER: If it comes directly in from
13 out of state, it is out-of-state trash. If it
14 comes into a processing facility, then it's not.

15 MR. SCHROEDER: But there will be a
16 processing facility somewhere in Maine?

17 MR. MEAGHER: That's correct.

18 MR. SCHROEDER: That's processing this
19 out-of-state demolition debris?

20 MR. MEAGHER: Correct.

21 MR. SCHROEDER: And what's left over will
22 go as fuel to the boiler?

23 MR. MEAGHER: Correct.

24 MR. SCHROEDER: So basically that whole
25 waste stream could be coming from out of state?

1 MR. MEAGHER: Some of it will.

2 MR. SCHROEDER: How much of it will?

3 MR. MEAGHER: Don't know.

4 MR. SCHROEDER: But potentially all of it
5 could?

6 MR. MEAGHER: Some of it will.

7 MR. SCHROEDER: Okay, that's your answer.

8 My third question has to do with overweight
9 trucks. When the questions about trucks were
10 brought up before, there was a statement that many
11 trucks on Maine roads are actually overweight,
12 over a hundred thousand pounds. Who's in charge
13 of controlling the absolute weight of the trucks
14 that are on Maine roads, and will some of the
15 trucks that are going to this facility be
16 overweight?

17 MR. EATON: Bill Eaton again, and I believe
18 I did not say a lot of trucks. I said some.

19 MR. SCHROEDER: Well, the way you said it
20 implied that it's not an uncommon practice.

21 MR. EATON: The State Police are in charge
22 of enforcing the weight laws and you've probably
23 seen them when they either --

24 UNIDENTIFIED PERSON: Could you speak up,
25 please?

1 MR. EATON: I'm sorry. The State Police
2 are in charge of the enforcement of weight on
3 trucks. You've probably seen them stop trucks
4 with portable scales or at the regular scale
5 locations on the interstate.

6 MR. SCHROEDER: So the second part of my
7 question was, will the trucks -- will the trucks
8 or some portion of the trucks going to this
9 facility be overweight?

10 MR. EATON: That I don't know. I know that
11 the trucks are weighed when they go in so that
12 Casella will know if there are trucks going in
13 there overweight.

14 MR. SCHROEDER: Can it be part of -- I
15 would suggest that it be part of the license that
16 any truck that shows up that's overweight is
17 denied entrance to this facility.

18 MR. MEAGHER: I do not believe that the DEP
19 can put us in the position of enforcing that.
20 That's the responsibility of the State Police.

21 MR. SCHROEDER: Well, you might not believe
22 it, but I'm asking that this be a condition of the
23 license.

24 MR. BURSON: I believe we're close to the
25 limit of your time.

1 MR. SCHROEDER: Thanks a lot. That's all I
2 have for tonight, and, as I said, I'm really
3 actually planning to make my prepared comments
4 tomorrow.

5 MR. BURSON: I believe we have one more
6 request and about time for one more speaker before
7 we close at 8:00. Jeremy Robichaud.

8 MR. ROBICHAUD: My name is Jeremy
9 Robichaud. I'm from Old Town. Some of the
10 questions addressed to Casella haven't been
11 answered, particularly the questions brought up by
12 my wife. So the DEP was good enough to leave
13 these sheets at the front, and I'll just drop some
14 off for you guys. If you guys will work on those
15 tonight and hand those in tomorrow, it would be
16 appreciated. I'd like to also appeal to the
17 goodwill of the DEP and suggest that we do not
18 close the record tomorrow night and at least allow
19 it to stay open for an additional 24 hours so that
20 written responses can continue to be received, and
21 I'd also -- actually I'd like to ask -- I forget
22 your name.

23 MR. MacDONALD: George MacDonald.

24 MR. ROBICHAUD: George MacDonald, the
25 facility in Brunswick, is that the facility that

1 accepts only waste from Brunswick?

2 MR. MacDONALD: The Brunswick landfill
3 accepts waste only from the town itself.

4 MR. ROBICHAUD: And who owns that?

5 MR. MacDONALD: The town of Brunswick.

6 MR. ROBICHAUD: The town of Brunswick owns
7 its own landfill?

8 MR. MacDONALD: Yes.

9 MR. ROBICHAUD: Why can't the town of Old
10 Town own its own landfill?

11 MR. MacDONALD: They can.

12 MR. ROBICHAUD: Thank you, that's good.
13 I'd like to suggest also that in lieu of some of
14 the Governor's recent comments, that in the March
15 18th edition of the Bangor Daily News in respect
16 to the liquified natural gas in Harpsburg, he said
17 he would never act in opposition to the will of a
18 community, and one of the things I sort of see
19 tonight is we have a conflict in community. We
20 have the mill workers and we have regular
21 citizens, both who have legitimate and articulated
22 concerns. I would like to suggest that we put
23 this entire approval process on hold until such
24 time as the citizens of Old Town have had a chance
25 to vote on a citizen initiated nonbinding

1 referendum question which simply asks us whether
2 we do or do not support this landfill so we have a
3 clear representation of the actual will of this
4 community and thus forth the Governor can fulfill
5 his word and obligation, and that's all. Thank
6 you.

7 MR. BURSON: Thank you. We have reached
8 the end of our designated time.

9 UNIDENTIFIED PERSON: We still have five
10 minutes.

11 MR. BURSON: According to my watch, we have
12 four.

13 MR. DOYLE: Malcolm, if I could just
14 respond, these are comment sheets that Mr.
15 Robichaud dropped off at our table. They don't
16 have any questions on them, so I'm not aware of
17 any questions that are relevant to the approval
18 criteria that we haven't responded to. If they
19 have some, they can pose them tomorrow, and we'll
20 answer them then.

21 MR. ROBICHAUD: Well, I can get you a copy
22 of my wife's questions, and I'm also sure that the
23 reporter -- what's your official position --
24 recorder, I'm sure she'd be glad to read back the
25 questions that you didn't answer.

1 MR. BURSON: I'm not sure that that would
2 be the case. I'm not sure that it would be fair
3 to ask. We have received one late request.
4 Commissioner, are you willing that we should go on
5 and hear one last --

6 COMMISSIONER GALLAGHER: Yes.

7 MR. BURSON: Andrew Barnes.

8 MR. BARNES: Good evening. My name is
9 Andrew Barnes. I am a member of We The People.
10 Can you all hear me? I had a point of
11 clarification. The nuclear waste issue came up
12 earlier this evening, and it was stated something
13 that was very unclear to me, and I'd like to make
14 it clear for the record and have a response from
15 all the parties involved. It is my understanding
16 that if a classification of a certain kind of
17 waste is classified as -- if a certain kind of
18 waste is classified as nuclear waste and then it
19 is changed to a classification such as special
20 waste and you have a landfill that has the right
21 to accept special waste, that that will be
22 acceptable in that landfill, is that correct?

23 MR. BURSON: I believe that question was
24 answered earlier, but I'm going to ask Paula to
25 respond again.

1 MR. BARNES: It was. I didn't care for the
2 answer, sorry, yeah.

3 MS. CLARK: If the classification of any
4 type of waste changes, it does not necessarily
5 mean that they could accept it at a landfill like
6 the West Old Town landfill. The application
7 that's in front of us very specifically lists the
8 types of special waste that they're seeking
9 approval for, and if they wanted to add to that
10 list, they would need to specifically seek
11 approval for a new waste type from the DEP.

12 MR. BARNES: So it is understandable that
13 that waste could be approved at some point? There
14 is no statement saying that it definitely will not
15 be approved, so this landfill could end up having
16 low level nuclear waste reclassified as special
17 waste, and I think the community should know
18 that. The second issue is what does a biomass
19 boiler for GP have to do with a solid waste
20 landfill in Old Town other than the fact that it's
21 been associated through this contract? And this
22 question goes out for the citizens of Old Town who
23 work at the mill. I'm hearing you get a landfill
24 or we take your jobs away. The same company tried
25 to put a landfill in my town of Houlton, Maine,

1 and that was a landfill, and it was going to be
2 commercially operated, and the town decided they
3 didn't want it even though all the leaders said
4 they wanted it, to a tee every leader said they

was given to the s after information

13 people. So my question is, why is it that
14 suddenly this landfill is no longer trying to
15 partner with a town to be run and why is it that
16 suddenly not getting a landfill means that the GP
17 mill is going to close? GP is a paper company.
18 This landfill is a landfill. Why is it that the
19 people in this community are being divided over a
20 biomass boiler? In other words, what does that
21 have to do with the landfill? Thank you. I'd
22 like to have an answer to that question.

23 MR. BURSON: I'm not sure I know who would
24 be up for that question. Tom, do you want to take
25 a crack at it?

1 MR. DOYLE: I'll take a crack at it. First
2 of all, the State Legislature made a policy
3 decision that this was going to be a state-owned
4 landfill. That was made last June when they
5 passed the resolve that authorized the State of
6 Maine to purchase this landfill from
7 Georgia-Pacific. I think it's fairly well-known
8 public knowledge that the whole purpose of the
9 transaction originated because Georgia-Pacific had
10 shut down two of its tissue machines and laid off
11 several hundred workers. In an effort to -- to
12 keep those workers in Maine and those tissue
13 machines running, the Governor looked for
14 opportunities to allow Georgia-Pacific to reopen
15 the machines and to lower its costs because those
16 were the factors that were causing it to shut down
17 the machines, and one of the assets of value was
18 this landfill, and so they decided to put the
19 landfill out to bid and the proceeds from the
20 purchase of the landfill are used by
21 Georgia-Pacific to purchase a biomass boiler to
22 lower its energy costs so it could be more
23 competitive in the world market, and as part of
24 the transaction, Georgia-Pacific sold the landfill
25 to the State of Maine. It's now owned by the

1 State of Maine through the State Planning Office.
2 The money is being used from the purchase to buy a
3 biomass boiler. That is being licensed now by
4 Georgia-Pacific that they will use to lower their
5 energy costs.

6 MR. BARNES: Thank you very much. If that
7 boiler -- biomass boiler did not get put into
8 place at GP, would Casella continue with the deal
9 -- the current deal that it has or would Casella
10 cease to try to own that landfill?

11 MR. DOYLE: Casella will not own the
12 landfill. The State of Maine will own the
13 landfill.

14 MR. BARNES: I understand. I mean operate.

15 MR. DOYLE: Casella will operate it. Don.

16 MR. BURSON: Then I think we'll close.

17 MR. MEAGHER: Casella has already paid to
18 Georgia-Pacific half the purchase price of the
19 landfill, and we have the remaining half of the
20 purchase price guaranteed by a letter of credit.
21 So we've already made that commitment. That has
22 already occurred.

23 MR. BARNES: So that means that if -- say
24 it wasn't licensable, something happened and it
25 wasn't accepted, Casella would continue to want to

1 run the landfill?

2 MR. MEAGHER: Oh, sure. We've already paid
3 for the landfill and we have a contract with the
4 state to operate the landfill.

5 MR. BARNES: So the landfill and the
6 biomass boiler aren't really attached other than
7 just in the contract, and I think that's important
8 because I think it's dividing the community and
9 it's a sad thing. We have the city of Old Town, a
10 wonderful community, and there's a little bit of
11 tension there, and it's being caused by this
12 contract and I feel badly about that. I'm not
13 from Old Town. Maybe it's not as bad as it looks,
14 but thank you very much for your time and God help
15 us all.

16 MR. BURSON: We will reopen the meeting
17 tomorrow morning at 9:00 a.m. At that time we
18 will try and figure out what the rules for
19 presentation will be. If you plan to speak
20 tomorrow, it would be very helpful to us if you
21 could be here no later than quarter of nine so
22 that we can begin to get a sense of what the
23 demand for time will be.
24 (Whereupon, the above-named hearing was concluded
25 at 8:05 p.m.)

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CERTIFICATE

I, Joanne P. Alley, a Notary Public in and
for the State of Maine, hereby certify that on the
29th day of March, 2004, personally appeared
before me the within-named witnesses who were
sworn to testify to the truth, the whole truth,
and nothing but the truth in the aforementioned
cause of action and that the foregoing is a true
and accurate record as taken by me by means of
computer-aided machine shorthand.

I further certify that I am a disinterested
person in the event or outcome of the
aforementioned cause of action.

IN WITNESS WHEREOF, I have hereunto set my
hand this 1st day of April, 2004.

Joanne P. Alley
Court Reporter/Notary Public

My commission expires: July 18, 2008